

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.1468 of 2021

Sarania @ Srania Mariyappan

...

Petitioner /
2nd petitioner

versus

Krishnan Govindan

...

Respondent /
1st petitioner

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the Subordinate Court, Alandur, to number the H.M.O.P.SR.No.1884 of 2021 and I.A.SR.No.1885 of 2021 in H.M.O.P.SR.No.1884 of 2021 pending on this file in a time-bound manner.

For Petitioner : M/s.V.Chethana

सत्यमेव जयते
ORDER

This Civil Revision Petition is filed seeking a direction to the Subordinate Court, Alandur, to number H.M.O.P.SR.No.1884 of 2021 and I.A.SR.No.1885 of 2021 in H.M.O.P.SR.No.1884 of 2021 pending on its file, in a time-bound manner.

2. The learned counsel appearing for the petitioner submitted that, the marriage between the petitioner and the respondent was taken place on 02.05.2019. Their marriage was registered as S.No.28 of 2019 on 07.05.2019 at the S.R.O., Kaveripattinam. After the marriage, they resided at Krishnagiri and then went to Washington, U.S.A. They had some differences and those differences could not be reconciled and hence, both decided to dissolve their marriage and filed the petition under Section 13B of the Hindu Marriage Act, 1955, for dissolution of marriage by mutual consent.

3. The petitioner [Wife] has come back to India and now, presently residing at 34 GI, Mahalakshmi Nagar, 7th Cross Street, Adampakkam, Chennai - 600 088. The respondent [husband] continued to reside at 15325, NE, 9th PI, Unit J305, Bellevue, Washington, USA 98007. Due to this pandemic situation, husband is not in a position to come to India to jointly appear before the Subordinate Court, for pursuing the petition, for dissolution of marriage by mutual consent. However, the petition was signed by both parties and husband signed in the proceedings of H.M.O.P.

along with Interlocutory Application, for conducting the proceedings through video-conferencing, which was filed before the Subordinate Court, Alandur.

4. The learned Subordinate Judge, Alandur, made returns atleast on three occasions. The first return was made on 09.04.2021 and that was complied with and represented on 21.04.2021. Thereafter, the second return was made on 18.05.2021 with fresh returns and that was also complied with and represented on 16.06.2021 and again the third return was made on 24.06.2021. Against the said return, with the prayer for seeking to number H.M.O.P.SR.No.1884 of 2021 and I.A.SR.No.1885 of 2021 in H.M.O.P.SR.No.1884 of 2021, this Civil Revision Petition is filed.

5. The learned counsel appearing for the petitioner draw the attention of this Court to the judgment of the Hon'ble Supreme Court in the case of **AMARDEEP SINGH vs. HARVEEN KAUR** reported in (2017) 8 **SCC 746** for the proposition that in matrimonial proceedings, the Court can also use the medium of videoconferencing and also permit genuine

representation of the parties through close relations, such as parents or siblings where the parties are unable to appear in person for any just and valid reason as may satisfy the Court, to advance the interest of justice. She has also brought to the notice of this Court that Video Conferencing in Courts Rules, 2020 framed by The Madras High Court, in support of her contention that, the proceedings can be conducted through videoconferencing. Already, there is a judgment of the Hon'ble Supreme Court in the case of *SANTHINI vs. VIJAYA VENKETESH* reported in *(2018) 1 SCC 1* with regard to conduct of the proceedings through videoconferencing.

6. It is seen that atleast 3 different returns were made by the Subordinate Court. It had been reiterated time and again, that whatever returns are made, they should be consolidated returns and peace meal returns should not be made. Therefore, the learned Subordinate Judge, Alandur, is directed to number H.M.O.P.SR.No.1884 of 2021 and I.A.SR.No.1885 of 2021 in H.M.O.P.SR.No.1884 of 2021, if they are otherwise in order and proceed with the matters, as per the guidelines issued

by the Hon'ble Supreme Court in the aforesaid judgments and the Madras High Court Video Conferencing Rules, 2020, within a period of two (2) weeks from the date of receipt of a copy of this order.

7. This Civil Revision Petition is ordered accordingly.

However, there is no order as to costs.

02.08.2021

Speaking order / Non-speaking order

Index : Yes / No

sri

To

The Subordinate Court, Alandur.

सत्यमेव जयते
WEB COPY

G.CHANDRASEKHARAN, J.

sri



C.R.P. (PD) No.1468 of 2021

WEB COPY

02.08.2021